## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI WESTERN DIVISION

SHELDON NATHAN	§	PETITIONER
	§	
v.	§	CIVIL NO. 5:13cv96-HSO-RHW
	§	
WILKINSON COUNTY	§	RESPONDENT
CORRECTIONAL FACILITY,	§	
TIMOTHY MORRIS, LINDA	§	
HARDIN, ANGIE HALLOWAY	§	
JANITA BIVENS, JANE DOES, AND	§	
THEIR LIABILITY INSURERS, AND	§	
JOHN DOES, AND THEIR	§	
LIABILITY INSURERS	§	

## ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

BEFORE THE COURT is the Report and Recommendation of United States Magistrate Judge Robert H. Walker [30] entered on November 14, 2013. Also before the Court is the Plaintiff Sheldon Nathan's ("Plaintiff") Motion for Preliminary Injunction [28] seeking an order that he be transferred to the Central Mississippi Correctional Facility and placed in a single-person cell. Mot. for Prelim. Inj. 2. The Magistrate Judge concluded Plaintiff's Motion for Preliminary Injunction should be denied because the Motion was factually indistinct from a prior Motion [12] filed by Plaintiff requesting a preliminary injunction for "adequate protection and safe housing," which was denied by Order [20] dated October 1, 2013, on the basis that Plaintiff failed to establish he was entitled to relief under Federal Rule of Civil Procedure 65. The Court has closely reviewed the findings in the Report and Recommendation, the record, and the position Plaintiff advances in the Motion [28],

and concludes that the Motion should be denied for the reasons set forth in the Report and Recommendation [30].

To date, no objection to the Report and Recommendation has been filed by Plaintiff.<sup>1</sup> Where no party has objected to a magistrate judge's report and recommendation, a court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("[A] judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the proposed findings of fact and recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate

Judge's Report and Recommendation thoroughly considered all issues and is neither

clearly erroneous nor contrary to law. The Court, being fully advised in the

premises, finds that the Magistrate Judge properly recommended that Plaintiff's

Motion for Preliminary Injunction should be denied. The Report and

Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [30] of Magistrate Judge Robert H. Walker entered on November 14, 2013, is adopted as the finding of this Court.

<sup>&</sup>lt;sup>1</sup> As of November 20, 2013, Plaintiff had signed for receipt of the Report and Recommendation [31].

IT IS, FURTHER, ORDERED AND ADJUDGED that Plaintiff's Motion for Preliminary Injunction [28] filed October 23, 2013, is **DENIED**.

SO ORDERED AND ADJUDGED, this the 30th day of December, 2013.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN UNITED STATES DISTRICT JUDGE